

MINUTES OF THE PLANNING COMMISSION MEETING OF JULY 20, 2005, AT 6:00 P.M.
IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS.

MEMBERS PRESENT: Geoff Armstrong, Tom Bowen, Blaine Davis, JoAnn Frost, Jerri Harwell, Jim Keane, Gordon

EXCUSED: Sue Ryser

STAFF PRESENT: Community Development Director Kevin Smith, City Planner Michael Black, City Attorney Shane Topham, City Recorder Linda Dunlavy

ALSO PRESENT: Tracy Brown, Rick Fergeson, Valerie Stetner

1.0 PUBLIC COMMENT

1.1 No public comments were received.

2.0 REVIEW OF NEWLY ADOPTED GENERAL PLAN AND ZONING ORDINANCE

2.1 Community Development Director Kevin Smith stated that the zoning map and text were adopted last week and the General Plan will be adopted on July 26th. Copies of the new zoning map will be provided to the Planning Commission after the corrections have been made.

2.2 Mr. Smith said the City Council felt strongly that appeals from the Planning Commission go to the Board of Adjustment. He explained that when the Board of Adjustment gets the appeal, they will review procedural issues.

3.0 GENERAL DISCUSSION ITEMS

3a.0 Vacation Rentals

3a.1 Kevin Smith, said that he has tried to gather information from various sources on vacation rentals. The Council briefly discussed this issue and came to the conclusion that the issue needs to be considered and see if there is a way to make vacation rentals work. The Council feels that there are probably appropriate areas of the community to have vacation rentals. Mr. Smith reviewed the ordinance for vacation rentals from Solano Beach. He noted that respect for the neighborhood is key to making vacation rentals work.

The Council discussed the possibility of vacation rentals in some of the Planned Unit developments, condominium projects, apartment complexes located on collector or

arterial streets. It seemed unanimous that single family neighborhoods are not an appropriate location

- 3a.2 JoAnn Frost asked if the units that are grandfathered in would automatically qualify as rentals.

Mr. Smith said that there are areas in town that have business licenses for rentals from Salt Lake County.

City Attorney Shane Topham said that there are a number that have been operating out of compliance with the zone, without a business license and there have been others who have had a business license and permission from the county. The City will have to look at them on a case by case basis.

- 3a.3 Mr. Nicholl said that the short term rental market that comes in for people that work in the ski resort area that rent a unit and have six or seven people living in one unit to offset the rent. He said that more complaints about partying were received in that situation.
- 3a.4 Mr. Smith said that the Council has stated that because of the City's proximity to the resort areas this issue needs to be looked at around collectors and arterial streets would be preferred, condominium projects, RM, R-2-8 zones. That along with a good ordinance to regulate those appropriately.
- 3a.5 Mr. Bowen said that he believes the biggest part of the problem is when a single-family house is rented out as a vacation home. He said that condominiums have CCRs which can approve or disapprove vacation rentals. He would like to see Staff look at an ordinance that restricts and controls vacation rentals.
- 3a.6 Ms. Harwell agreed in theory but question how it would work in practicality. She said that it comes down to what can be enforced.
- 3a.7 Mr. Smith said that everyone is in agreement that there is an appropriate place and way to do vacation rentals, the question is where should they be allowed in the City.

Mr. Bowen said the best place to start is to keep them out of the R-1 zones and look at the RM zones and major streets.

Mr. Smith will bring back a draft ordinance in two weeks.

3b.0 **Accessory Buildings**

- 3b.1 Mr. Smith explained that the City is currently regulating Accessory Buildings which is based on how the County regulates them. Accessory Building in a residential area is a building that is customarily incidental to the main use such as a shed, garage, chicken

coop, stalls, etc. The Zoning Ordinance also states that an accessory building cannot have human inhabitants.

3b.2 City Planner Michael Black said that Ms. Ryser commented that she was concerned that some of her neighbors were planning to build offices five feet off of the property line which she felt was too close. Mr. Black said that this would not be allowed because there can be no human inhabitants. A business would not fall under those setbacks.

3b.3 Mr. Smith will talk to Sue Ryser to make sure she is in agreement with what has been discussed. Few modifications or changes will need to be made. He said that there will be more discussion on this issue when home occupations are discussed.

3c.0 **Accessory Apartments**

3c.1 Mr. Smith explained to the Commission that there was concern at the City Council meeting about having any language in the code that addressed accessory apartment. The General Plan includes language that states that accessory apartments could be considered as a tool to provide moderate income housing. There is a regulation issue for the City and how you keep them from becoming duplexes. Accessory departments can be attached or detached.

3c.2 Mr. Nicholl said he does not believe there should be any accessory detached apartments on any property under ½ acre. Any accessory apartment should fit within the original footprint of the structure.

3c.3 Mr. Bowen questioned how the apartments could be enforced. He noted that some people buy homes and calculate their mortgage based on renting the basement as an apartment.

3c.4 Ms. Frost said that there are exceptions but it goes back to the intent of the use.

3c.5 Mr. Nicholl pointed out that Cottonwood Heights is a well established community and the basement apartments are everywhere in the community. He said that the Commission has to take a close look at this issue.

3c.6 Mr. Davis suggested this issue be crafted very artistically. He said that he does not have any concern with basement apartments and often they add youth and vitality to an area where the population is aging.

3c.7 Mr. Smith said that Staff will look at the options and bring language back to the Commission.

3d.0 **Architectural Design Guidelines for Gateway Overlay Zones**

- 3d.1 Michael Black reviewed pictures and books of designs used in other communities. He explained that the City needs to develop and establish its own design guidelines. Until an architectural review committee is appointed, the Planning Commission will act as the committee.

Mr. Bowen stated that he is fine with commercial architectural guidelines but is concerned about guidelines for single family residences

- 3d.2 Mr. Black said that Staff will do a visual survey of different types of architecture for review by the Planning Commission.

4.0 **OTHER BUSINESS (Reports by Commissioners)**

- 4.1 Mr. Keane asked what requirements there are on undeveloped property.

Mr. Black said this type of item is regulated in the nuisance ordinance. He stated that the Code Enforcement officer works on a complaint basis.

- 4.2 The Commission requested that the Code Enforcement officer attend Planning Commission once a month.

5.0 **COMMUNITY DEVELOPMENT DIRECTORS REPORT**

- 5.1 Mr. Smith said that the City Council would like input on bus bench policies. One option would be not to have any off-premise advertising in the form of bus benches and have the City budget money every year to install bus benches at the heavily used bus stops; another option would be for the private sector to take care of the benches so the City could use their money in other places. He explained that some cities have gone to contracting with one provider which would require the City to put out a formal Request for proposal.

Mr. Keane said that he would like to see a proposal from staff showing how many benches the City would recommend if the City purchased the benches themselves.

Mr. Smith gave the Commission a handout giving a list of cities and their policies on bus benches.

Ms. Frost said that if the City is trying to change its image this is a good target to start with.

Mr. Smith said that a presentation will be made by bus bench companies to the City Council which the Planning Commission will be invited to attend in the next four weeks.

- 5.2 Mr. Smith said the City is trying to implement a design review process so that citizens and developers can present things in an abbreviated form. The Planning Commission will see an item as a design review which will include a Staff Report, preliminary review, and discuss the application with the applicant. No motion is made and the applicant receives input. .

City Attorney Shane Topham said that the City needs to make it clear that this will be a preliminary review and is an accommodation to the developer.

6.0 **APPROVAL OF MINUTES**

- 6.1 No minutes were distributed to the Council

7.0 **ADJOURN**

- 7.1 Mr. Nicholl moved to adjourn. The motion was seconded by Ms. Frost and passed unanimously on a voice vote. The business meeting adjourned at 7:45 p.m.